

AMENDED IN SENATE MAY 24, 2007
AMENDED IN ASSEMBLY APRIL 30, 2007
AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1616

**Introduced by Assembly Member Garrick
(Coauthor: Assembly Member Jeffries)**

February 23, 2007

An act to amend Section 19517.5 of the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Garrick. Horse racing: controlled substances: administrative hearings.

Existing law requires enforcement proceedings relating to the use of prohibited substances during a horse race be referred to the Office of Administrative Hearings for adjudication, as specified.

This bill would instead require referral to *either* a Board of Stewards or hearing officer appointed by the California Horse Racing Board *at the election of the respondent*.

Existing law also provides that the California Horse Racing Board shall neither modify nor amend a proposed decision by the administrative law judge so as to increase any sanction or penalty contemplated in the proposed decision, and that the board may, by means of a written decision that includes the reasons for its decision, modify or amend a proposed decision by the administrative law judge so as to decrease, mitigate, or suspend a sanction or penalty contemplated in the proposed decision.

The bill would repeal those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19517.5 of the Business and Professions
2 Code is amended to read:

3 19517.5. (a) ~~At the request of the respondent, enforcement~~
4 ~~proceedings that allege~~ *The respondent in an enforcement*
5 *proceeding that alleges* the use of a prohibited substance, as
6 defined under class I, class II, or class III of the board's schedule
7 of prohibited substances, ~~shall be referred to~~ *may elect to have the*
8 *proceeding referred to either* a hearing officer or a Board of
9 Stewards that is appointed by the board, for administrative
10 adjudication and preparation of a proposed decision for action by
11 the board.

12 (b) The hearing before a duly appointed hearing officer or Board
13 of Stewards shall commence no later than 90 days after the filing
14 of the accusation. The hearing date may be extended only upon a
15 showing of good cause to the earliest possible hearing date beyond
16 the 90-day period, provided a written order and the reasons for the
17 continuance are filed with the board.

18 (c) No later than 20 days before the hearing, the licensee shall
19 post a bond with the paymaster of purses for the amount of the
20 purse or purses in question and received by the licensee. The bond
21 shall be in cash, or a surety bond that meets the requirements of
22 the board.